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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,769	10/26/2001	Kevin Lauren Cote	600.1179	4317
23280	7590	02/16/2006		
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018				
			EXAMINER	
			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/001,769	COTE ET AL.
	Examiner	Art Unit
	Jason Prone	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,7-11 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7-11 and 21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

### **DETAILED ACTION**

1. In view of the appeal brief filed on 05 December 2005, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

#### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this case, the abstract appears to be over the 150-word limit.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8-11, and 21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bryson et al. (3,733,947).

In regards to claims 1 and 21, '947 discloses the same invention including a pusher element (73) movable relative to a front table and configured to move a work piece to be trimmed on the front table and into engagement with a backstop of the front table (Fig. 15), a driver capable of moving the pusher element at a same speed as the front table when the pusher element is in engagement with a first edge of the work piece and the backstop in engagement with a second edge portion of the work piece (Claim 1d), the period of time being at least as long as a time required for a front clamp (146) of the sheet material article trimmer to move through a distance corresponding to a difference in thickness between a thinnest sheet material article in a range of thicknesses and a thickest sheet material article in the range of thicknesses so as to grip the sheet material against the front table (Claim 1d, see Response to Arguments section).

To the degree that it could be argued that '947 does not specifically disclose "the period of time being at least as long as a time required for a front clamp of the sheet material article trimmer to move through a distance corresponding to a difference in

thickness between a thinnest sheet material article in a range of thickness and a thickest sheet material article in the range of thickness". Claim 1d of '947 states "drive means for driving...said means for pushing at a selected speed", therefore, the drive means is capable of driving the pushing means at a speed equal to the speed of the front table as long as it is a selected speed. For example, the user may find that for a specific work piece thickness/weight the apparatus performs a more efficient trimming function when the means for pushing is moved at a slower speed equivalent to the speed of the front table. If the work piece weighs more than a normal work piece, it would provide less strain on the apparatus to move the pushing means at a slower pace. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to drive the pushing means of Bryson et al. at the same speed as the front table for a more efficient working apparatus.

In regards to claims 2-5, '947 discloses the pusher element is further configured to retract from the work piece and engage a next succeeding work piece to be trimmed (Claim 3b), a main cam (85) rotated by a main trimmer drive (56), at least one cam follower operatively connected to the pusher element and configured to follow the main cam so as to move the pusher element at the same speed as the front table when the cam is in a first arc of the main cam (84, see Response to Arguments section), the main cam includes a second arc (85), the at least one cam follower being configured to follow the main cam so as to move the pusher element through a return stroke when the cam follower is in the second arc (Claim 3b), the main cam includes a third arc (85), and the at least one cam follower being configured to follow the main cam so as to move the

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pusher element through a forward stroke when the cam follower is in the third arc (Claim 3b).

In regards to claims 8-11, '947 discloses driver includes a servo motor configured to vary a speed of the pusher element (Claim 1d, see Response to Arguments section), the clamp is configured to grip the work piece against the front table for a trimming operation (146), the trimming operation is performed using a front knife (106), a front table (88), and the driver is configured to move the pusher element at a different speed than the front table to move the sheet material article (Fig. 15).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over '947 in view of Moser (4,518,156). '947 discloses the invention but fails to disclose a second cam follower disposed at an opposite side of the main cam than the first cam follower and urged into engagement with the main cam. Moser teaches that it is old and well known in the art of cams to include a second cam follower (63) disposed at an opposite side of the main cam than the first cam follower (Fig. 1 and 62) and urged into engagement with the main cam (132). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Bryson et al. with a

second cam follower, as taught by Moser, to prevent any unwanted lateral movement of the main cam.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 3, 7, 8, and 21 have been considered but are moot in view of the new ground(s) of rejection. In light of the examples and explanation above regarding the period of time limitation above, the driving means is capable of driving the pushing means at a selected speed that is equal to the speed of the front table. In regards to claim 3, the main cam of '947 is circular and, therefore, made up of an infinite number of arcs. Claim 7 has been rejected under new art. In regards to claim 8, servomotor is defined as: A motor that controls the action of the mechanical device in a servomechanism. (Source: *The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company. Published by Houghton Mifflin Company. All rights reserved*). If applicant's apparatus is a servomechanism than the apparatus disclosed by '947 is a servomechanism. Therefore, the motor of '947 is a servomotor.

### ***Conclusion***

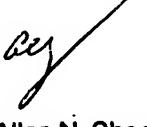
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JP  
February 07, 2006

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700

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